

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

MALINDA PARRISH, individually and as
Administratrix for the Estate of Steven F.
Parrish and **JOSHUA E. PARRISH, GARRETT B.
PARRISH, CATTARINA M. PARRISH**, and
TUCKER S. PARRISH, minors, by their next
friend, **MALINDA PARRISH**,

Plaintiffs,

v.

CIVIL ACTION NO. 2:04-00.
(Kanawha County Circuit Court
Civil Action No. 03-C-2211)

FORD MOTOR COMPANY,
a Delaware Corporation,

Defendant.

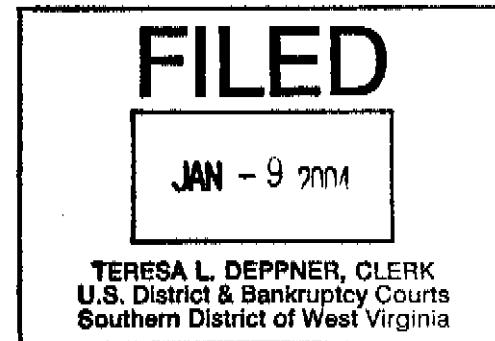
NOTICE OF REMOVAL

TO: The Honorable Judge of the United States District Court
for the Southern District of West Virginia, Charleston, West Virginia

For its notice herein, the defendant, Ford Motor Company, alleges and states as follows:

1. On or about September 12, 2003, an action was instituted in the Circuit Court of Kanawha County, West Virginia, styled Malinda Parrish, Individually and as Administratrix for the Estate of Steven F. Parrish and Joshua E. Parrish, Garrett B. Parrish, Cattarina M. Parrish, and Tucker S. Parrish, Minors, by Their next Friend, Malinda Parrish, Plaintiffs, v. Ford Motor Company, Defendant, being Civil Action No. 03-C-2211

2. Thereafter, the Summons and Complaint were served upon the defendant, Ford Motor Company, through the Secretary of State of West Virginia, on December 12, 2003.



3. A certified copy of the Circuit Court of Kanawha County Docketing Statement for the subject civil action is attached hereto as Exhibit A.

4. A copy of the remainder of the Circuit Court of Kanawha County file for the subject civil action is attached hereto as Exhibit B.

4. This civil action is one in which this Court has original jurisdiction under the provisions of 28 U.S.C. §§ 1332 and 1441 and, furthermore, is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1446, in that:

a. It is a civil action wherein the matters in controversy between the plaintiffs and the defendant exceed the sum of \$75,000.00, exclusive of interest and costs, as this case arises from the alleged permanent injuries sustained by plaintiffs;

b. At the time this civil action was instituted, the plaintiffs, based upon the allegations set forth in the complaint, were and are citizens of the State of West Virginia;

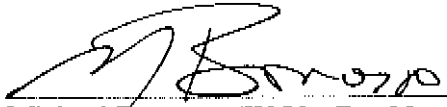
c. At the time this civil action was instituted, the defendant, Ford Motor Company, was and still is a corporation incorporated under the laws of the state of Delaware, with a principal place of business located in the state of Michigan;

5. Concurrent with the filing of this Notice of Removal, Ford Motor Company is giving to the Circuit Court of Kanawha County, West Virginia, written notice of this Notice of Removal.

WHEREFORE, the defendant, Ford Motor Company, hereby removes the above-referenced civil action now pending in the Circuit Court of Kanawha County, West Virginia, from said state court to this Honorable Court.

Dated this 9th day of January, 2004.

FORD MOTOR COMPANY
By Counsel



Michael Bonasso (W. Va. Bar No. 394)
Andrew B. Cooke (W. Va. 6564)
Robert P. Lorca (W. Va. Bar No. 7476)
FLAHERTY, SENSABAUGH & BONASSO, P.L.L.C.
Post Office Box 3843
Charleston, West Virginia 25338-3843
(304) 345-0200
Counsel for Ford Motor Company

CASE 03-C-2211 KANAWHA
MALINDA PARRISH, INDIVIDUALLY vs. FORD MOTOR COMPANY

LINE	DATE	ACTION
1	09/12/03	# ISSUED SUM & 2 CPYS; P FEE; BLAND FOR P; CK; RCP# 359210
2		# \$125.00; CASE INFO SHEET; COMPLAINT
3	12/18/03	# LET PR SS DTD 12/16/03; SUM W/RET (12/12/03 SS) AS TO
4		# FORD MOTOR CO. W/RMR

A TRUE COPY

TESTE: *Cathy J. Ketchum*
CLERK OF COURT KANAWHA COUNTY, W.VA.



CIVIL CASE INFORMATION STATEMENT
CIVIL CASES

FILED

In the Circuit Court, Kanawha County, West Virginia

03 SEP 12 PM 2:41

I. CASE STYLE:

Plaintiff(s)

Case #

03-C-2211

Judge

Bloom

MALINDA PARRISH, INDIVIDUALLY &
AS ADMINISTRATRIX FOR THE ESTATE
OF STEVEN F. PARRISH and JOSHUA E.
PARRISH, GARRETT B. PARRISH, CATTARINA
M. PARRISH, and TUCKER S. PARRISH, minors,
by their next friend, MALINDA PARRISH.

vs.

Defendant(s)

Days to
Answer

Type of Service

FORD MOTOR COMPANY
CT CORPORATION
P. O. BOX 951
Street
CHARLESTON, WV 25323
City, State, Zip

30

SEC. OF STATE

A TRUE COPY

TESTE: Cathy J. Hester
CIRCUIT COURT KANAWHA COUNTY, W.VA.

Original and THREE (3) copies of complaint furnished herewith.

125.00 ff-ck
Rec. # 359210
155. Summ.
Ret. to Katty

PLAINTIFF: MALINDA PARRISH, et al. DEFENDANT: FORD MOTOR COMPANY	CASE NUMBER:
---	--------------

II. TYPE OF CASE:

TORTS		OTHER CIVIL
<input type="checkbox"/> Asbestos	<input type="checkbox"/> Adoption	<input type="checkbox"/> Appeal from Magistrate Court
<input type="checkbox"/> Professional Malpractice	<input type="checkbox"/> Contract	<input type="checkbox"/> Petition for Modification of Magistrate Sentence
<input type="checkbox"/> Personal Injury	<input type="checkbox"/> Real Property	<input type="checkbox"/> Miscellaneous Civil
<input checked="" type="checkbox"/> Product Liability	<input type="checkbox"/> Mental Health	<input type="checkbox"/> Other:
<input type="checkbox"/> Other Tort	<input type="checkbox"/> Appeal of Administrative Agency	

III. JURY DEMAND: ☒ Yes ☐ NoCASE WILL BE READY FOR TRIAL BY (Month/Year): 09 / 04IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY OR AGE? ☐ YES ☒ NO
IF YES, PLEASE SPECIFY:

- ☐ Wheelchair accessible hearing room and other facilities
☐ Interpreter or other auxiliary aid for the hearing impaired
☐ Reader or other auxiliary aid for the visually impaired
☐ Spokesperson or other auxiliary aid for the speech impaired
☐ Other:

Attorney Name: Shannon M. Bland (WVSB# 5693)

Representing:

Firm: Bland & Bland, L.C.☒ Plaintiff ☐ DefendantAddress: 1550 Kanawha Boulevard East, Chas, WV 25311☐ Cross-Complainant ☐ Cross-DefendantTelephone: (304) 344-3691Dated: 09/12/03

 Signature
☐ Pro Se



Secretary of State's Office
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

State of West Virginia
Joe Manchin, III
Secretary of State

FILED
03 DEC 18 PM 3:05

Telephone: (304) 558-6000
Corporations: (304) 558-8000
FAX: (304) 558-0900
wvsos@secretary.state.wv.us
www.state.wv.us/sos/

Cathy Gatson, Circuit Clerk
Kanawha County Courthouse
111 Court Street
Charleston, WV 25301-2500

LEGAL NOTICE

December 16, 2003

Civil Action: 03-C-2211

I am enclosing:

- ___ summons
- ___ notice
- ___ order
- ___ petition
- ___ motion
- ___ interrogatories
- ___ suggestions
- ___ subpoena duces tecum
- ___ summons and complaint
- ___ 3rd party summons and complaint
- ___ summons returned from post office
- 1 certified return receipt

- 1 original
- ___ affidavit
- ___ answer
- ___ cross-claim
- ___ counterclaim
- ___ request
- ___ demand
- ___ default judgement
- ___ complaint
- ___ notice of mechanic's lien
- ___ suggestee execution
- ___ summons and amended complaint

A TRUE COPY

TESTE: *Cathy L. Gatson*
CIRCUIT COURT KANAWHA COUNTY

which was served on the Secretary at the State Capitol in his capacity as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of Ford Motor Company.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about these documents directly to the court or to the plaintiff's attorney, shown in the enclosed paper. Please, do not call the Secretary of State's office.

Sincerely,

3-4
Vicki Haught

Vicki Haught
Supervisor



S U M M O N S

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

CIVIL ACTION NO.: 03-C-2211

MALINDA PARRISH, individually and as
Administratrix for the Estate of Steven F.
Parrish and JOSHUA E. PARRISH, GARRETT
B. PARRISH, CATTARINA M. PARRISH and
TUCKER S. PARRISH, minors, by their next
friend, MALINDA PARRISH,

Plaintiffs,

v.

FORD MOTOR COMPANY, a
Delaware corporation,

Defendant.

Summons
Ford Motor Company
CT Corporation
P. O. Box 951
Charleston, WV 25323

To the above named defendant:

STATE OF WEST VIRGINIA, you are hereby summoned and

M. BLAND plaintiff's attorney, whose address is 1550

CHARLESTON, WV 25311, an answer, including any related

complaint filed against you in the above styled action, a true

to you. You are required to serve your answer within 30

upon you, exclusive of the day of service. If you fail to do

against you for the relief demanded in the complaint and

ting in another action any claim you may have which must

be styled civil action.

WV Secretary of State
Receipt #: 375449
Station ID: M01
List Of Services
sp s s Ford Motor Co \$20.00
Total: \$20.00
Payment Details:
Bland & Bland \$20.00
k 6406
Original Transaction Date: 12/12/2003
Thank You For Your Business!

Patricia S. Skabontz
Clerk of Court

UNITED STATES POSTAL SERVICE



First-Class Mail™
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address and ZIP Code below •

Service!



SECRETARY OF STATE

BLDG 1 RM 157K

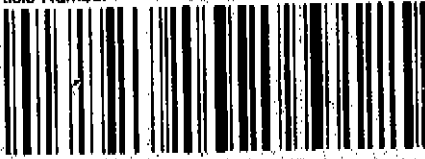
1900 KANAWHA BLVD E

CHARLESTON WV 25305-0777

RECEIVED

DEC 16 2003

JOE MANCHIN III
WV SECRETARY OF STATE

2. Article Number		COMPLETE THIS SECTION ON DELIVERY	
		A. Received by (Please Stamp Clearly)	B. Date of Delivery
7106 4575 1293 1656 9434		C. Signature: Sharon R. Barth X <i>Sharon R. Barth</i>	<input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
3. Service Type CERTIFIED MAIL		D. Is delivery address different from item 1? <input checked="" type="checkbox"/> YES, enter delivery address below. <input type="checkbox"/> No	
4. Restricted Delivery? (Extra Fee) Yes		DEC 15 2003	
1. Article Addressed to:		03-C-2211	
Ford Motor Company C. T. Corporation System P.O. Box 951 Charleston, WV 25323			
PS Form 3811, June 2000		Domestic Return Receipt	

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

MALINDA PARRISH, individually and as
Administratrix for the Estate of Steven F.
Parrish and JOSHUA E. PARRISH, GARRETT
B. PARRISH, CATTARINA M. PARRISH, and
TUCKER S. PARRISH, minors, by their next
friend, MALINDA PARRISH,

Plaintiffs,

v.

FORD MOTOR COMPANY,
a Delaware Corporation,

Defendant.

03 SEP 12 PM 2:42

JP
CLERK OF COURT
KANAWHA COUNTY, WEST VIRGINIA

CIVIL ACTION NO.: 03-C-2211

A TRUE COPY

TESTE: *Cathy L. Hatten/KS*
CIRCUIT CLERK

COMPLAINT

COMES NOW your plaintiffs, by and through the undersigned counsel
and alleges as follows:

GENERAL ALLEGATIONS

1. That the plaintiffs, at the time of the incident alleged herein were residents of Sissonville, Kanawha County, West Virginia.
2. The defendant, Ford Motor Company, (hereinafter referred to as "Ford"), is a foreign corporation that conducts business in Kanawha County, West Virginia.
3. Prior to the above date, the defendant, Ford, a Delaware Corporation, manufactured and produced a 1999 Ford F450 vehicle, Vehicle Identification Number 1G6KD52Y7TU266273, which said vehicle was owned by Armor Welding Services and Steven F. Parrish.

4. Armor Welding Services and Steven F. Parrish owned the above referenced vehicle which Mr. Parrish used for his business and personal use.

5. On the 12TH day of September, 2001, Steven F. Parrish was lawfully operating his motor vehicle traveling northbound on Interstate 77 approximately 0.3 miles north of the Westmoreland exit in Charleston, Kanawha County, West Virginia.

6. At said time and place, Steven F. Parrish's, vehicle was struck in the rear portion by a tractor and trailer which caused his vehicle to be propelled into the air and rolled down an embankment resulting in personal injuries that ultimately led to his death.

7. At the above referenced time and place, Steven F. Parrish was using the seat belt with which the vehicle was equipped.

8. At the above reference time and place, Steven F. Parrish was operating the subject vehicle in the manner for which it was intended.

9. During this accident a clothes hook that was designed, manufactured, and placed behind the driver's head by the defendant, Ford, came into contact with the rear skull of Steven F. Parrish.

10. The clothes hook that was placed behind Steven F. Parrish's head by the defendant, Ford, ripped the skull of Steven F. Parrish creating a deep fracture of his skull.

11. The skull fracture and subsequent blood loss resulting therefrom proximately caused the death of Steven F. Parrish.

12. On or about the 19TH day of September, 2001, Malinda Parrish was appointed as administratrix for the estate of Steven F. Parrish (Order of Appointment attached hereto as Exhibit A).

13. The defendant, Ford, negligently manufactured and distributed the 1999 Ford F450 vehicle, Vehicle Identification Number 1G6KD52Y7TU266273, which came to be purchased by Armor Welding Services and/or Steven F. Parrish, and released the same into the stream of commerce.

14. The defendant, Ford, marketed, distributed and sold a defective 1999 Ford F450 vehicle to Steven F. Parrish, while defendant knew or should have known of the hazardous conditions as contained in said vehicle at the time of sale.

15. The defendant, Ford, negligently, carelessly and unskillfully manufactured the said 1999 Ford F450 vehicle, used inherently dangerous materials which it knew or should have known were defective, failed to warn the public of the dangers in the use of said automobile, failed to properly design and construct said automobile to minimize the dangers of the occupants thereof, failed to use proper materials in the construction thereof, equipped said vehicle a clothing hook directly behind the driver's seat area, and was otherwise negligent in the design and manufacture of said automobile, and failed to warn the consuming public of the dangers of the use of its automobile.

16. The defendant, Ford, did expressly warrant that the automobile was safe, and, furthermore, provided implied warranties that the automobile was merchantable, and that there was an implied warranty that the automobile was safe for the use for which it was intended, that is, normal driving and operation on paved roadways.

17. Notwithstanding said warranties as aforesaid, the said automobile was not safe for its intended use and/or was not merchantable by reason of the defects in the clothing hook assembly and other components, which said defects directly and proximately resulted in the death of Steven F. Parrish set forth more fully herein.

18. As a direct and proximate result of the negligent design and manufacture of the subject automobile by the defendant, Ford, together with said defendant's failure to warn of the inherent defects to which it knew or should have been aware, the breach of express, and implied warranties as aforesaid, as a result of the strict liability which is owed to the plaintiffs by the defendant, Ford, Steven F. Parrish suffered fatal injuries.

COUNT II

19. The above pled allegations are referenced and incorporated herein as if they were set forth in their entirety.

20. The plaintiff, Malinda Parrish, is the wife of Steven F. Parrish.

21. As a direct and proximate result of the defendant's negligence and the fatal injuries sustained by Steven F. Parrish, the plaintiff, Malinda Parrish, has lost the emotional and financial support, services and companionship of her husband, Steven F. Parrish.


22. That the plaintiffs, Joshua E. Parrish; Garrett B. Parrish; Cattarina M. Parrish and Tucker S. Parrish, are the minor, dependent children of the plaintiff, Malinda Parrish and Steven F. Parrish.

23. As a direct and proximate result of the defendants negligence and the fatal injuries sustained by Steven F. Parrish, the plaintiffs, Joshua E. Parrish; Garrett B. Parrish; Cattarina M. Parrish and Tucker S. Parrish, have lost the emotional and financial support, services and companionship of their father, Steven F. Parrish.

WHEREFORE, the plaintiffs demand judgment against the defendant in an amount within the jurisdictional limits of this Court plus costs, disbursements, attorney fees, pre-judgment and post-judgment interest where applicable and for such other relief as this Court deems proper under the circumstances.

PLAINTIFFS DEMAND A TRIAL BY JURY.

MALINDA PARRISH, et al.
By Counsel




Shannon M. Bland
WVSB# 5693
Bland & Bland
Attorneys At Law, L.C.
1550 Kanawha Boulevard East
Charleston, WV 25311
(304) 344-3691

CERTIFICATE OF SERVICE

I, Michael Bonasso, counsel for the defendant, Ford Motor Company, do hereby certify that on the 9th day of January, 2004, the foregoing "**Notice of Removal**" was served upon the following counsel of record and the Circuit Clerk by depositing true copies thereof in the United States Mail, postage prepaid, in envelopes addressed as follows:

Shannon M. Bland, Esq.
Bland & Bland
1550 Kanawha Boulevard, East
Charleston, WV 25311

Cathy S. Gatson, Clerk
Kanawha County Circuit Court
111 Court Street
Charleston, WV 25301



Michael Bonasso (WVSB #394)